

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Part 90 of the Commission's Rules to Improve Access to Private Land Mobile Radio Spectrum)	WP Docket No. 16-261
)	
Land Mobile Communications Council Petition for Rulemaking Regarding Interim Eligibility for 800 MHz Expansion Band and Guard Band Frequencies)	RM-11719
)	
Petition for Rulemaking Regarding Conditional Licensing Authority Above 470 MHz)	RM-11722
)	

REPLY COMMENTS OF MOTOROLA SOLUTIONS, INC.

Motorola Solutions, Inc. (“Motorola”) respectfully submits its reply comments in response to the above-captioned Notice of Proposed Rulemaking (“*NPRM*”).¹ The record in this proceeding demonstrates uniform support for the Commission’s desire to expand access to private land mobile radio (“PLMR”) spectrum. Specifically, commenters endorse the Commission’s proposal to extend conditional licensing authority to applications filed in frequency bands above 470 MHz. Commenters also agree that the Commission should designate frequencies at or near the band edges between Part 90 spectrum and Part 95 General Mobile Radio Service (“GMRS”) spectrum for PLMR use, ensuring appropriate interference protection for incumbents. While some commenters expressed concerns about the Commission’s proposal to grant 806-824/851-869 MHz (“800 MHz”) band incumbent licensees a six-month period in

¹ *Amendment of Part 90 of the Commission’s Rules to Improve Access to Private Land Mobile Radio Spectrum*, Notice of Proposed Rulemaking, 31 FCC Rcd 9431 (2016) (“*NPRM*”).

which to apply for Expansion Band and Guard Band (“EB/GB”) frequencies before the frequencies are made available to applicants for new systems, the record clearly demonstrates that the Commission is on the right path in revising its rules to provide a time-limited opportunity for incumbents to expand their operations.

The record in this proceeding demonstrates remarkable agreement that the Commission should extend the benefits of conditional licensing authority to frequency bands above 470 MHz. The Association of Public-Safety Communications Officials-International, Inc. (“APCO”), Land Mobile Communications Council (“LMCC”), Enterprise Wireless Alliance (“EWA”), National Public Safety Telecommunications Council (“NPSTC”), Utilities Technology Council (“UTC”), the State of Florida, and the National Association of Manufacturers (“NAM”) and MRFAC, Inc. (“MRFAC”) all agree that there is no longer any justification for limiting conditional licensing authority to applicants below 470 MHz.² As LMCC explains, “contour-based coordination procedures for VHF and UHF bands where conditional licensing already is approved, have become more complex than the relatively straight-forward distance calculations generally used in coordinating T-Band and 800/900 MHz applications where this option is not allowed.”³ EWA observes that “[c]onditional licensing authority has proven over decades to be a safe and

² Comments of Association of Public-Safety Communications Officials-International, Inc., WP Docket No. 16-261, RM-11719, RM-11722, at 2 (filed Nov. 22, 2016) (“APCO Comments”); Comments of Land Mobile Communications Council, WP Docket No. 16-261, RM-11719, RM-11722, at 5 (filed Nov. 22, 2016) (“LMCC Comments”); Comments of Enterprise Wireless Alliance, WP Docket No. 16-261, RM-11719, RM-11722, at 9 (filed Nov. 22, 2016) (“EWA Comments”); Comments of National Public Safety Telecommunications Council, WP Docket No. 16-261, RM-11719, RM-11722, at 4 (filed Nov. 22, 2016) (“Comments of NPSTC”); Comments of Utilities Technology Council, WP Docket No. 16-261, RM-11719, RM-11722, at 3 (filed Nov. 22, 2016) (“Comments of UTC”); Comments of the State of Florida, WP Docket No. 16-261, RM-11719, RM-11722, at 1 (filed Nov. 22, 2016) (“State of Florida Comments”); Comments of National Association of Manufacturers and MRFAC, Inc., WP Docket No. 16-261, RM-11719, RM-11722, at 4 (filed Nov. 22, 2016) (“NAM and MRFAC Comments”).

³ LMCC Comments at 5.

effective means for PLMR applicants that satisfy the conditions in Section 90.159 to begin operating prior to FCC processing of their applications.”⁴ Motorola agrees with these positions.

The record also is clear that the Commission should designate frequencies at or near the band edges between Part 90 spectrum and Part 95 GMRS spectrum for private land mobile radio use.⁵ While Motorola supports the *NPRM*’s proposal, the Commission should ensure that GMRS incumbents are appropriately protected from harmful interference. Motorola explained in its opening comments that some of the frequencies included in the *NPRM*’s proposal could create scenarios where new, very-narrowband 4 KHz operations overlap with incumbent 25 KHz operations, potentially resulting in harmful interference.⁶ Commenters agree that, in making these new frequencies available, the Commission should ensure adequate interference protection to all licensees.⁷

Some commenters—mostly prospective applicants for new 800 MHz licenses—disagreed with the *NPRM*’s proposal to provide 800 MHz band incumbents a six-month period in which to apply for EB/GB frequencies before this spectrum is made available to new applicants.⁸ However, Motorola agrees with incumbents and almost all PLMR frequency coordinators that a

⁴ EWA Comments at 9.

⁵ Comments of M2M Spectrum Networks, LLC, WP Docket No. 16-261, RM-11719, RM-11722, at 5 (filed Nov. 22, 2016) (“M2M Comments”); UTC Comments at 1; NPSTC Comments at 8 EWA Comments at 9; LMCC Comments at 3.

⁶ Comments of Motorola Solutions, Inc., WP Docket No. 16-261, RM-11719, RM-11722, at 4-5 (filed Nov. 22, 2016) (“Motorola Comments”).

⁷ NPSTC Comments at 8; EWA Comments at 9; LMCC Comments at 3.

⁸ See, e.g., Comments of Maetrics, LLC, WP Docket No. 16-261, RM-11719, RM-11722 (filed Nov. 22, 2016); Comments of Marion Utilities, WP Docket No. 16-261, RM-11719, RM-11722 (filed Nov. 22, 2016); Comments of Caito Foods Service, WP Docket No. 16-261, RM-11719, RM-11722 (filed Nov. 22, 2016); M2M Comments.

limited incumbent preference would serve the public interest.⁹ As the FCC recognizes, incumbent 800 MHz licensees already have deployed facilities and demonstrated a commitment to utilizing the band.¹⁰ In contrast, new entrants are less likely to place spectrum into operation efficiently and expeditiously. Moreover, expansion spectrum for incumbent 800 MHz licensees is sorely needed¹¹ and, as LMCC notes, “800 EB/GB channels may prove the last blocks of exclusive spectrum assigned for use by the PLMR community.”¹² Allowing incumbents a time-limited opportunity to acquire this spectrum offers the greatest likelihood that it will be placed into efficient use and not warehoused by speculators.

For these reasons, and the reasons set forth in Motorola’s comments, the Commission should amend the Part 90 rules to (i) extend conditional licensing authority to frequency bands above 470 MHz; (ii) ensure that incumbent GMRS users are appropriately protected from harmful interference before authorizing PLMR operations over frequencies between PLMR and GMRS spectrum; and (iii) adopt a six-month window for 800 MHz incumbent licensees to acquire EB/GB frequencies before this spectrum is made available to new applicants.

⁹ Comments of Mobile Relay Associates, LLC, WP Docket No. 16-261, RM-11719, RM-11722, at 13 (filed Nov. 22, 2016) (“Comments of MRA”); Comments of Association of American Railroads, WP Docket No. 16-261, RM-11719, RM-11722, at 6 (filed Nov. 22, 2016) (“AAR Comments”); UTC Comments at 4; EWA Comments at 3; NAM and MRFAC Comments at 2; LMCC Comments at 7; APCO Comments at 3; NPSTC Comments at 6.

¹⁰ *NPRM* at ¶ 31.

¹¹ EWA Comments at 2-3.

¹² LMCC Comments at 8.

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